

**BOARD OF HEALTH**  
**Bangs Community Center: Lower Meeting Room**  
**Minutes**

June 17, 2010

BOH Members: David Ahlfeld, Maria Bulzacchelli, Nancy Gilbert, Sandy Sulsky

BOH Member Excused: David Kaufman

Staff: Pamela Field-Sadler

Other: Diana Stein-Amherst Board of Selectmen Liaison, Philip Shaver-Amity Place  
Condominium Association President

**Meeting opened at 7:02 p.m.**

Chairman Ahlfeld announced Board of Health member David Kaufman and Health Director Julie Federman would not be attending the meeting. He also stated the May 27, 2010 Board of Health meeting had been cancelled because the Bangs Community Center was closed due to a power outage.

**I. Review & Receive**

**A. Meeting Minutes**

1. Meeting Minutes from April 29, 2010 – **Approved as amended**

**II. New Business**

**A. Well Construction Permit Application: Amity Place**

Philip Shaver-Amity Place Condominium Association President  
in attendance.

The Board of Health (BOH) reviewed an application for a Well Construction Permit submitted by the Amity Place Condominium Association for property located at Amity Place. The purpose of the well is for agricultural use only; the water is to be used solely for lawn irrigation. Assistant Sanitarian Gary Courtemanche submitted a letter to the BOH explaining after his review of the application, his opinion is the proposed well plan design meets regulation requirements. A concern brought forward addressed the loss of town revenue due to the construction of the private well. The BOH agreed the fiscal concern is irrelevant to their decision on the application; their intent is to protect public health by ensuring the well is constructed in accordance to the *Amherst Board of Health Regulations for Private Wells*.

**Motion:** Ms. Gilbert made the motion, seconded by Ms. Bulzacchelli, to approve the Well Construction Permit application for an agricultural use well at Amity Place as presented.

**Vote:** Unanimous

**Motion:** Ms. Gilbert made the motion, seconded by Ms. Bulzacchelli, to approve the exemption from the portions of the *Amherst Board of Health Regulations for Private Wells* addressing the Water Supply Certificate, Well Location and Use Requirements, Water Quality Requirement and Water Quality Testing as requested for the Amity Place Well Construction Permit

contingent upon the approval of Assistant Sanitarian Gary Courtemanche.

**Vote:** Unanimous

Chairman Ahlfeld agreed to review the current *Amherst Board of Health Regulations for Private Wells*. Chairman Ahlfeld will make a recommendation regarding the need for the BOH to review and consider updating the regulation.

**B. Board of Health Member Recruitment**

Ms. Sulsky's term on the Board of Health (BOH) will end on August 31, 2010. The BOH agreed the expertise of an epidemiologist is beneficial, and several individuals were suggested for consideration. Interested candidates will need to complete a Citizen Activity Form available on the town website. In the past, the Health Director has contacted potential members. Ms. Field-Sadler will forward the names of the suggested individuals to Ms. Federman and let her know Ms. Sulsky is willing to contact these people as well.

**C. Collaboration with the Agricultural Commission re: Local Foods In Schools**

Chairman Ahlfeld reported the Agricultural Commission is drafting a town resolution for presentation at the fall Town Meeting. The aim of the proposal is to encourage local schools to provide more local fruits and vegetables in the school meal programs. The Agricultural Commission has asked the Board of Health (BOH) if they would like to collaborate on this project. The BOH agreed they need more information regarding the public health implications of this proposal. Chairman Ahlfeld will inform the Agricultural Commission the BOH agreed to review and consider endorsement of their final draft proposal.

**D. Open Meeting Law Changes**

Changes to the Open Meeting Law (OML) have been expected to become effective July 1, 2010; however, there is some speculation an extension may be granted moving the effective date to November 1, 2010. The Board of Health (BOH) reviewed information regarding the anticipated changes including: notice and posting requirements; the executive session process; meeting documents and minutes and attending meetings of other Boards and Committees.

**III. Old Business**

**A. Tobacco Regulations**

**1. Environmental Tobacco Smoke (ETS) Regulation**

The Board of Health (BOH) received the amended and approved ETS regulation which became effective on June 1, 2010. Ms. Stein will announce at the next Board of Selectmen's meeting the amended regulation can be found on the Health Department page of the town website.

**2. Smoking Disclosure**

The Board of Health (BOH) reviewed the current draft Smoking Disclosure regulation prepared by Ms. Sulsky and agreed the draft is clear and concise. The proposed regulation requires landlords to have a

documented smoking policy and to disclose the policy to current and potential tenants. During the discussion the following was noted:

- Section 3: include *“Therefore, the Board of Health enacts this regulation to protect the health of tenants in the town of Amherst.”* after the last bullet
- Section 4: Remove *“or non-tobacco product”* from the definition of “Smoking or “smoke”
- Section 5(C): add the word *“designated”* prior to “smoking units” in line 1 and 2
- Section 6(F): modify to read *“Any person may register a complaint with the Amherst Health Department to initiate an investigation into a possible violation of the notification or disclosure requirement.”*
- The BOH agreed a second Public Hearing is unnecessary.
- The BOH discussed a potential effective date for the proposed regulation of January 1, 2011.
- The draft regulation will be forwarded to Attorney Wilson for review.
- The final draft regulation will be forwarded to Town Counsel for review.

#### **IV. Health Director’s Report**

##### **A. The Keeping of Livestock and Poultry**

The keeping of “livestock and poultry” is regulated under Section 5.014 of the Amherst Zoning Bylaws. This bylaw allows the keeping of poultry in the outlying areas without a permit; in more suburban areas a Special Permit is required, and in the most densely populated areas the keeping of poultry is not allowed. Ms. Federman has been contacted by Jeff Bagg of the Planning Department who anticipates there may be interest in changing the current bylaw. Mr. Bagg has asked if the Board of Health (BOH) should consider reviewing the Special Permit applications, or possibly issue permits. The BOH agreed more discussion regarding this item is needed, including input from the Animal Wellness Officer or another individual with Veterinary Science knowledge in order to determine what the public health implications might be.

#### **V. Schedule Next Board of Health Meeting/Agenda Closing Date**

- A.** The next Board of Health (BOH) meeting is tentatively scheduled for July 22, 2010. Ms. Field-Sadler will check with Mr. Kaufman regarding his availability and confirm the date with all BOH members.

**Meeting Adjourned: 9:06 p.m.**

---

Pamela Field-Sadler, Management Assistant

**Approved: 9/2/2010**